

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	S7 18Cr41-14 (DLC)
	:	
-v-	:	<u>ORDER</u>
	:	
DEANDRE MORRISON,	:	
	:	
Defendant.	:	
	:	
-----X	:	

DENISE COTE, District Judge:

On August 16, 2022, the defendant submitted a letter to the Court stating that he had failed to timely appeal his case after his conviction due to ineffective assistance of counsel. On August 17, the Court issued an Order construing the letter as a motion brought pursuant to 28 U.S.C. § 2255, and opening a civil action for the motion. No. 22-cv-7022. On August 24, the Court issued an Order instructing the defendant to state by October 5 whether he wished his letter to be treated as a motion pursuant to 28 U.S.C. § 2255, and if so, explain why his letter was not time-barred. No response from the defendant was received. On October 24, the Court held that the defendant's motion was time-barred under § 2255(f)(1)'s one-year time limit, and closed the civil action.

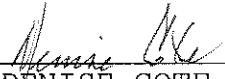
On October 31, the defendant sent a letter to this Court stating that he had tried to respond to the August 24 Order, and that he did not wish his August 16 letter to be construed as a §

2255 motion. Having received the defendant's letter, it is hereby

ORDERED that the defendant's August 16 letter is not construed as a § 2255 motion, and that the civil docket, No. 22-cv-7022, shall remain closed.

IT IS FURTHER ORDERED that the Clerk of Court shall mail this Order to the defendant at USM# 85908-054, USP Atwater, USP P.O. Box 019001, Atwater, CA 95301.

Dated: New York, New York
November 9, 2022



DENISE COTE
United States District Judge